

## **APPENDIX 5 - SIGN AND ZONING BY-LAW VIOLATIONS**

### **Town of Framingham By-Laws, Article VII. "Signs and Districts"**

#### **Section 3 Sign and Zoning By-Law Violations**

[Adopted: Article 40, 1980 Annual Town Meeting, recodified]

- 3.1** The Building Commissioner, upon taking cognizance of a violation of the Zoning or Sign Bylaws, may issue to the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof, not later than twenty-one (21) days after the date of such notice. Such notice shall contain the name and address, if known, of the offender, the specific offense charged and the time and place for his required appearance.
- 3.2** Any person so notified may appear and confess the offense charged, either personally or through an authorized agent or by mailing to the clerk of said district court such notice with such specific sum of money as the Town shall fix as penalty for violation of the Bylaw. The payment to the Clerk shall operate as a final disposition of the case and said proceedings shall be deemed to be non-criminal. If any person so notified to appear and also to avail himself of the procedure established pursuant to this Bylaw, he may, within twenty-one (21) days after the date of the notice, request a hearing in writing. Such hearing shall be held before a district court judge, clerk or assistant clerk. If the judge, clerk or assistant clerk shall, after hearing, find that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the sum of money fixed as penalty by the Bylaw, or such lesser amount as the judge, clerk or assistant clerk shall order.
- 3.3** If such judge, clerk or assistant clerk shall, after hearing, find that the violation alleged did not occur or was not committed by the person so notified to appear, that finding shall operate as a final disposition of the case. Proceedings held pursuant to this subsection shall be deemed to be non-criminal.
- 3.4** If any person so notified to appear before the clerk of the district court fails to pay the fine provided by the Bylaw within the time specified, or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as penalty after a hearing and finding as provided in the preceding subsection, the clerk shall notify the Building Commissioner, who shall determine whether to apply for the issuance of a criminal complaint for the violation of the appropriate Bylaw.